

Goal 1: Clean Air and Global Climate Change

Synthesis of State and Tribal Priorities and Issues --- U.S. EPA, Region 8

1. Information source: Information from states was solicited in a memo from Region 8's State Assistance Program to State Environmental Directors, State Planning Contacts, and State Agriculture Program Directors. Performance Partnership Agreements (PPAs) were also used to collect initial information on state priorities. Information from tribes was gathered at the Regional Operations Committee's (ROC) Quarterly Meeting.

2. Description of key state and tribal issues and priorities:

Monitoring the increasing levels of air pollution due to the surge in energy development is an important state priority. States select specific areas to monitor where human impacts are most likely the greatest. Currently, monitoring resources are focused on criteria pollutants and the impacts of other pollutants on visibility. While the issues of monitoring, permitting (below) and inspections (below) do not impact the Strategic Plan's architecture, the broader issue of energy development's impact on air quality and state resources deserves adequate discussion in Objective 1.1. This is a concern for most Region 8 states.

Permitting: Another issue resulting from increased energy development is processing the large volume of new permits requests. Air quality permits are primarily related to coalbed methane and natural gas developments. This problem has been exacerbated by the declining federal cost share which makes it difficult to provide adequate compensation packages to recruit and retain quality personnel.

Inspections: Providing air quality inspections of permitted facilities is also a state priority. To ease the burden on the inspected entity and the inspecting staff members, the state is sharing inspection tasks between department programs. The use of Environmental Management System certifications and self audit procedures are also being considered to improve inspection coverage without requiring additional staff resources.

Mercury Emissions from Coal Fired Power Plants: A key issue for tribes in Region 8 is mercury pollution from western coal fired power plants. Tribes would like to see stricter mercury control measures implemented for coal-fired power plants, as well as an increase in monitoring of mercury for these operations. This issue is not expected to impact the Strategic Plan. The issue impact 100% of tribes in Region 8.

Increase Tribal Capacity of Air Programs: A priority for tribes is an increase each tribe's environmental program capacity for air programs. The revised plan should keep the section entitled "Working with Tribes and Partners."

Off-Indian Country activity impacts/Cross Boundary Issues: It is a priority for tribes to be more involved with airshed groups with other agencies to address transport of pollutants across boundaries between state and tribal lands, as well as international boundaries. Regional haze and mercury deposition are significant concerns to tribes, and tribes need help to develop programs to control upwind sources that contribute to air pollution over tribal lands. This issue impacts 100% of tribes in Region 8.

Minor Source Air Rules: It is a priority for all Region 8 tribes that the minor source air rule to be finalized and implemented. Tribes in Region 8 currently have no mechanism to monitor minor air pollution sources, which are prevalent throughout the Region. Increased technical

assistance is needed for tribes to develop capacity to address minor air pollution sources. Minor source rules are expected to developed soon (within the timeframe of Strategic Plan revision), and should be reflected accordingly.

State Implementation Plans: Another state priority is the need to improve the process for developing and modifying State Implementation Plans (SIPs). States encourage EPA to embrace the NAS Air Quality Management Report recommendations developed in collaboration with the States. The Air Quality Regional Haze State Implementation Plan will also be a future priority/issue for states during the strategic plan timeframe. While the change in the SIP process is not expected to change the architecture of the Strategic Plan, it should be acknowledged. Two states commented on this issue.

Prevention of Significant Deterioration: Addressing air pollution issues associated with the Prevention of Significant Deterioration (PSD - sulfur dioxide) in Class 1 areas is an important state priority. Protection of Class I areas from air pollution is also a significant concern to tribes. While only one state commented on this issue, it impacts most states in the Region, and approximately 35% of tribes. It is expected the CARE and NSR will be discussed in the plan, which will address this comment. No change in architecture.

Air Quality - Energy Efficiency Integration: EPA offers Energy Star resources and programs that assist governments, businesses and consumers. However, these activities are not included in the state PPA. Targets and objectives would be set for participation in Energy Star marketing campaigns. Estimates of energy savings would be provided and environmental benefits calculated from the reduction in energy use. This priority should benefit all states. State contributions to energy efficiency and reduction in greenhouse gases should be acknowledged in Sub-objective 1.5. This does not affect the plan's architecture.

Air Quality at Animal Feeding Operations: One state and Region 8 recently entered into a Memorandum of Understanding (MOU) to implement the state's Animal Feeding Operations Air Quality Strategy. This MOU will expand the state's CAFO strategy, which focused on water quality issues to include air emissions and cross media issues. Jointly advancing this could benefit other states.

3. Other Cross-Goal Issues:

Building State Capacity: States feel strongly that EPA's Strategic Plan address reductions in federal funding for core programs that are occurring concurrently with increases in the workload required of these delegated programs by EPA. States and EPA need to work collaboratively to address federal funding shortfalls for the delivery of environmental programs at the state level. We need to make strides in eliminating duplication and inefficiencies by jointly defining the relative roles, responsibilities, authorities and resources of the state and EPA. This includes jointly and collaboratively redefining regional oversight to ensure that federally authorized programs are conducted adequately with authorization agreements in the most efficient manner.

Standardization of Media Program Databases: EPA manages an individual database for each media program. As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information and bring consistency to the data gathered among programs. Currently states and/or tribes must have media-specific database managers to communicate with EPA's databases. These duties and expertise could be optimized if one state database communicated with one federal database.

Goal 2: Clean and Safe Water

Synthesis of State and Tribal Priorities and Issues --- U.S. EPA, Region 8

1. Information source: Information from states was solicited in a memo from Region 8's State Assistance Program to State Environmental Directors, State Planning Contacts, and State Agriculture Program Directors. Performance Partnership Agreements (PPAs) were also used to collect initial information on state priorities, as well as feedback from a spring 2005 meeting with states and subsequent discussions regarding EPA's water quality outcome measures. Information from tribes was gathered at the Regional Operations Committee's (ROC) Quarterly Meeting.

2. Description of state and tribal issues and priorities:

Monitoring: Effectively monitoring contamination levels in water resources remains a key state priority. Currently, monitoring resources are focused on a broad spectrum of sampling routines for both chemical and biological pollutants and areas most impacted by the surge in energy development, as well as other human impacts. To address monitoring needs, capacity building for a volunteer monitoring program is needed, as well as revisions to the monitoring strategy. All states in the region are tasked with monitoring of their surface water resources and need additional support to achieve monitoring goals. State involvement in a national water assessment does not support state monitoring needs. While the issues of monitoring, permitting (below) and inspections (below) do not impact the Strategic Plan's architecture, the broader issue of energy development's impact on water quality and state resources deserves adequate discussion in Goal 2.

Permitting: Processing the large volume of permits requests due to increase in energy development has become an important state priority. Water quality permits are primarily issued to coalbed methane and oil and gas operations. Difficulties in processing have been exacerbated by the declining federal cost share which makes it difficult to provide adequate compensation packages to recruit and retain quality personnel.

Inspections: Providing effective water quality inspections of permitted facilities is also a state priority. Water quality inspections are primarily conducted at coalbed methane and oil and gas operations. To ease the burden on the inspected entity and the inspecting staff members, the state is sharing inspection tasks between department programs and it is considering EMS certifications, and self audit procedures.

Measuring and Reporting on Water Quality Restoration: States need support developing TMDLs and implementing them in a manner that effectively demonstrates restoration. State and federal law requires effectiveness evaluation of TMDL implementation as part of 319 funding, PAMS, etc. While states are currently developing programs, there are no specific resources allocated to implementation. This is a broad-scale issue that impacts both inter-state and international water quality issues. The water quality outcome measures in Sub-objective 2.2.1, particularly the watershed restoration Measure A, should be revised to reflect more realistic expectations of environmental improvement, given the capacity and resources states have to achieve and report on these measures.

Water Resources for Tribes: An overarching priority for tribes in the Region 8 is a need for resources to obtain clean and safe water. In particular resources are need for surface and

groundwater protection, non-point sources, as well as resources needed to replace aging water infrastructure, and to address Off-Indian Country activity impacts of source and non-point sources/Cross Border issues (i.e., AFO/CAFO, coal bed methane, sewage discharges, mining discharges, among others).

Increase Direct Implementation Presence: It is a priority for tribes that EPA increase its DI presence and tribes' environmental core program capacity. Direct Implementation guidelines need to be re-tailored to allow tribes with the programmatic ability to play an increased hands-on role in compliance matters. Programs such as oil and gas activity should have more Tribal DI presence. It impacts 100% of Tribes in Region 8.

Safe Drinking Water: A key priority for the tribes is for to EPA work in collaboration with other Federal Agencies to provide basic safe drinking water to all citizens. EPA and its partners will need to address water quality issues caused by severe drought conditions, decrease stream flow due to channelization, releases from dams, and generally protecting sources of drinking water from contamination. These issues are not expected to impact the architecture of the plan, but they should be acknowledged in Objective 2.1. This impacts all tribes in Region 8.

Core Water Quality Standards need to be developed and implemented for all tribal waters, either by tribes or federal core water quality standards implemented by EPA. Core standards will protect tribal waters for traditional and cultural uses. This impacts all tribes in Region 8.

Tribal Capacity for Water Sampling: It is a priority among tribes to increase their capacity for large river/waterbody sampling. Tribes must become more involved in watershed groups through the Clean Water Act Section 106 program with other agencies. This impacts all tribes adjacent to the Missouri River in Region 8. It is important to emphasize that when strengthening the water quality standards program, that tribes play a key part of this and deserve attention.

Refinement of state's water use classification system: TMDL development is raising many issues that highlight the need to refine and update the water use classification portion of water quality standards.

CWA Integrated Reporting and database integration: It is the priority of one state to continue the development, integration, and operation and management of a RDBMS integrating the EPA Assessment database (ADB), WQ Standards database, and WQ Standards Attainment database (WARD). All states in the region need to do submit an Integrated Report, suggesting the prevalence of this issue in Region 8. Integrating the myriad of databases involved should be discussed in Goal 2.

New regulations: One state is concerned about keeping up with new regulations throughout all of our environmental programs. It feels the Arsenic and Stage 2 Disinfectants/Disinfection Byproducts (D/DBP) rules could pose significant impacts to Public Water Systems (PWSs) in the state and to our Drinking Water Program.

Declining State Revolving Fund: The stagnant or declining state revolving fund capitalization grants will be detrimental to state and national drinking water and wastewater infrastructure needs.

Geographic Initiatives: It is a priority to develop a comprehensive Red River Basin Watershed Management Plan and address other state flooding issues, including Devils Lake. It is important to manage and protect the Missouri River ecosystems. The revised Strategic Plan should emphasize the need for protection of interior U.S. lakes, rivers and aquatic ecosystems. These deserve as much attention as other geographic initiatives such as the Great Lakes and Chesapeake Bay.

3. Other Cross-Goal Issues:

Building State Capacity: Reductions in federal funding for core programs that are occurring concurrently with increases in the workload required of these delegated programs by EPA, represents a major state issue. States and EPA need to work collaboratively to address federal funding shortfalls for the delivery of environmental programs at the state level. We need to make strides in eliminating duplication and inefficiencies by jointly defining the relative roles, responsibilities, authorities and resources of the state and EPA. This includes jointly and collaboratively redefining regional oversight to ensure that federally authorized programs are conducted adequately with authorization agreements in the most efficient manner.

Standardization of Media Program Databases: As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information and bring consistency to the data gathered among programs.

Goal 3: Land Preservation and Restoration

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2. Description of state and tribal issues and priorities:

Restoration and remediation of contaminated land: Restoration and remediation of abandoned mine lands, active mining sites, sites contaminated by leaking underground storage tanks and contaminated industrial sites is a key state priority. Because of federal statutes in place for the abandoned mine lands and active mine restoration programs, there is little flexibility in how those programs are managed. Work is also ongoing to identify innovations in technical approaches to facilitate more progress in these areas within existing resource constraints. The revised Strategic Plan should address the cross-program clean up approaches, as well as the large amount of state and EPA resources necessary to revitalize large geographic areas affected by the legacy of mining in the West. Region 8 states are faced with this type of clean up challenge, as well as many other western states.

Increase EPA direct implementation presence and tribal capacity:

It is a priority for tribes that to increase EPA's DI presence and each tribes' environmental core program capacity for addressing solid and hazardous waste issues and ensuring compliance with UST/ASTs. Sub-objective 3.1 should be expanded to address capacity building for tribes to develop and implement solid and hazardous waste codes, including the ability to enforce them, and to develop and implement solid waste management plans.

Aging solid waste infrastructure: Assess operating conditions and fund repair/replacement of aging solid waste infrastructure in collaboration with other federal agencies and tribes. In order to address the growing demand for infrastructure improvements, tribes need more funding from the capacity development program. One approach may be to involve tribes in the decision-making process at the same level that states are involved. Objective 3.1 should address the urgent need to replace aging solid waste infrastructure in Indian country.

Monitoring of oil facilities in Indian country: Assist tribes (financial and technical assistance) in developing capability to perform on-site monitoring and inspection of oil facilities (includes tribal inspections before facilities obtain necessary permits). Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 3.2.

Conduct homeland security/counter terrorism planning, preparedness and response activities. Because of EPA's and state's inherent roles in protection human health and the environment from possible harmful effects of certain chemical, biological and radiological materials, states and EPA are actively involved in counter-terrorism planning and response efforts. Under Homeland Security considerations, state DEQs and EPA will assess vulnerabilities in the chemical and industrial facilities, and facilitate outreach regarding risk management, chemical accident prevention provisions, site security and coordination between

industries, local responders and local emergency planning communities. In the means and strategies discussion of Objective 3.2, the revised plan should discuss the joint state and EPA roles in homeland security planning, preparedness and response activities, and how EPA communicates and collaborates with states, and local governments.

3. Other Cross-Goal Issues:

Building State Capacity: Reductions in federal funding for core programs that are occurring concurrently with increases in the workload required of these delegated programs by EPA, represents a major state issue. States and EPA need to work collaboratively to address federal funding shortfalls for the delivery of environmental programs at the state level. We need to make strides in eliminating duplication and inefficiencies by jointly defining the relative roles, responsibilities, authorities and resources of the state and EPA. This includes jointly and collaboratively redefining regional oversight to ensure that federally authorized programs are conducted adequately with authorization agreements in the most efficient manner.

Standardization of Media Program Databases: As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information between states and EPA and bring consistency to the data gathered among programs.

Goal 4: Healthy Communities and Ecosystems

Synthesis of State and Tribal Priorities and Issues --- U.S. EPA, Region 8

1. Information source: Information from states was solicited in a memo from Region 8's State Assistance Program to State Environmental Directors, State Planning Contacts, and State Agriculture Program Directors. Performance Partnership Agreements (PPAs) were also used to collect initial information on state priorities. Information from tribes was gathered at the Regional Operations Committee's (ROC) Quarterly Meeting.

2. Description of state and tribal issues and priorities:

Pesticide Harmonization. Every year new pesticides enter the marketplace, and old pesticides must be reassessed to meet modern standards. While governments rigorously assess each pesticide to ensure it meets current health standards, invariably there are different health and environmental standards as well different prices among different countries. This lack of harmonization affects all US growers, especially those in the northern tier states. Pesticide harmonization is not specifically mentioned in the Strategic Plan and should be discussed under under Objective 4.1. Harmonization of data requirements and review, acceptance of international data, and activities related to international pesticide labeling may also be addressed under this objective.

Pesticides use in Indian country: On/Off-Indian Country agricultural pesticides activity is a significant issue for tribes in region 8, particularly related to pesticide drift, groundwater contamination, (Related to water quality goal) etc among others. It is also a priority to safeguard traditional food sources, medicinal plants, herbs; native grasses, by eliminating pesticide contaminants on tribal lands, which gains importance as tribes increasingly use holistic approaches to maintain cultural traditions and practices. This impacts 75-80% of tribes in Region 8. The introduction to Goal 4 could be expanded to address how pesticides may affect traditional tribal food sources, medicinal plants and other traditional practices.

Tribal Schools: Provide resources to tribes to assess safety in the environment of tribal schools and colleges and establish appropriate integrated pest management programs. This impacts 100% of tribes in Region 8. While this does not affect the architecture of the Strategic Plan, Sub-objective 4.2 could be expanded to address health in tribal schools.

Brownfields: Continue/increase funding for the Brownfields Tribal Response Program. After the clean-up, tribes would ensure that the land is restored to a usable condition with consideration to tribal cultural and traditional uses. The tribes' capability for working with solid and hazardous waste programs has been improved through this program, but it only scratches the surface of the large volume of work that needs to be completed. The Brownfields language under Objective 4.2 could also include restoring sites in Indian Country for cultural and traditional uses, as well as increasing tribal capacity in this area. This impacts 50% of tribes in Region 8.

Protection of endangered species: The current trend to loosen threatened and endangered requirements especially in regard to oil and gas activity and surface water conditions is considered a threat to tribes' natural resources. There needs to be a commitment within the strategy to strengthen NEPA and the ESA, not erode it. While this priority is not intended to affect the strategic plan, it is important for goal teams to recognize this key tribal issue.

Funding for State Pesticide Programs: Because of the lack of funding to maintain the past level of oversight, we have had to resort to responding only to those pesticide complaints that have a written statement from the complainant. By doing this, it is possible that some pesticide misuse issues may go uninvestigated. We have also been unable to fill a vacant pesticide program position due to the lack of funding. Because of this, duties have been shifted to an already taxed staff. If funding levels are not increased, we won't be able to do all of the things we should. We understand that this is a pressing issue with all states and tribes within the region and across the country. While this may not affect Goal 4 of the Strategic Plan, it is important for the Goal Teams to recognize pesticide funding issues among state governments.

3. Other Cross-Goal Issues:

Building State Capacity: Reductions in federal funding for core programs that are occurring concurrently with increases in the workload required of these delegated programs by EPA, represents a major state issue. States and EPA need to work collaboratively to address federal funding shortfalls for the delivery of environmental programs at the state level. We need to make strides in eliminating duplication and inefficiencies by jointly defining the relative roles, responsibilities, authorities and resources of the state and EPA. This includes jointly and collaboratively redefining regional oversight to ensure that federally authorized programs are conducted adequately with authorization agreements in the most efficient manner.

Standardization of Media Program Databases: As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information and bring consistency to the data gathered among programs.

Goal 5: Compliance and Environmental Stewardship

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1. Information source: Information from states was solicited in a memo from Region 8's State Assistance Program to State Environmental Directors, State Planning Contacts, and State Agriculture Program Directors. Performance Partnership Agreements (PPAs) were also used to gather initial information on state priorities. Information from tribes was gathered at the Regional Operations Committee's (ROC) Quarterly Meeting.

2. Description of state and tribal issues and priorities:

Standardization of Enforcement Actions: State challenges with respect to compliance include standardization of department actions in different regions of the state and between programs; making sure that similar situations are handled in a similar manner regardless of what part of the state they happen in or which division is dealing with the out-of-compliance condition. This issue is complicated by differing geographical boundaries for different programs and differences in federal and state statutes for the different programs. While some of the differences cited above are beyond our control, there are ways for states to deal with many of these challenges on our own. One part of this process is training inspectors to properly document permit violations to improve support for recommended penalties. Increased staff training and coordination is underway to identify standards for recommended compliance actions that to the extent possible will be common to all programs and office locations. Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 5.1.

Standardization of EPA - State enforcement agreements: EPA and states have individual, media-specific enforcement agreements for each program. The agreements describe state commitments for timely and appropriate enforcement actions, however the required type of action and timeframes vary between media programs. One state and EPA conduct enforcement under a Consolidated Cooperative Enforcement Agreement that contains consistent requirements for timely and appropriate enforcement for all programs. State and/or tribal management and tracking of enforcement activities would be easier if states operated under one, consistent set of timely and appropriate criteria. Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 5.1.

Tribal involvement in NEPA reviews: It is a tribal priority that NEPA reviews consistently consider impacts to cultural resources, traditional sites and practices, whether on or off reservation, and mitigate as necessary to protect them. Tribes need NEPA capacity building to effectively impact NEPA review process. This impacts 100% of tribes.

Tribal General Assistance Program (GAP) Funding: A key tribal priority under the Sub-objective 5.3 is to increase funding under GAP to assist tribes in the following areas: building capacity to implement environmental programs to improve tribal health; training to obtain inspection credentials for tribal inspectors and to provide programmatic support for maintaining a viable inspection program; support to develop renewable energy; and, training to develop and implement a permitting process. It is also important to restructure GAP to allow more flexibility to implement programs. Smaller reservations, in particular, may not ever develop separate programs but still need a mechanism to perform basic implementation activities. Sub-objective

5.3 should maintain its discussion and targets on improving tribal capacity, and be expanded to address tribal funding issues. This issue affects all tribal programs.

Multi Media Pollution Prevention and Compliance Assistance for Small Businesses: One DEQ has a small business ombudsman for air quality issues. However, businesses need assistance in all areas of environmental compliance and in pollution prevention. This DEQ requests assistance in expanding the role of the small business ombudsman to include water quality and place an additional emphasis on pollution prevention. This priority would translate into more direct outreach to small businesses and local governments and result in less pollution of state waters. While some states nationally have expanded the role of the small business ombudsman many, most have not. Many region 8 states would benefit from this expansion of services.

3. Other Cross-Goal Issues:

Building State Capacity: Reductions in federal funding for core programs that are occurring concurrently with increases in the workload required of these delegated programs by EPA, represents a major state issue. States and EPA need to work collaboratively to address federal funding shortfalls for the delivery of environmental programs at the state level. We need to make strides in eliminating duplication and inefficiencies by jointly defining the relative roles, responsibilities, authorities and resources of the state and EPA. This includes jointly and collaboratively redefining regional oversight to ensure that federally authorized programs are conducted adequately with authorization agreements in the most efficient manner.

Standardization of Media Program Databases: As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information between states and EPA and bring consistency to the data gathered among programs.